

25 May 1968

MEMORANDUM FOR THE RECORD:

SUBJECT: New Military Field Court in III CTZ

REFERENCE: Memo, 10 May 1968, "New Military Field Courts

1. As reported in Reference, the first new Military Field Court, authorized by Decree-Law 049/67 of 30 October 1967, has been organized in Saigon and commenced hearing cases on 6 May.
2. Further details on the new court, including its composition and jurisdiction, are set forth in the attachments.
3. It should be noted that the new court will hear a broader range of national security cases than field courts have entertained in the past. Cases will not be limited to flagrant delit, the so-called "caught in the act" type.

[Redacted Signature]

Legal Counsel

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REPUBLIC OF VIET NAM
MINISTRY OF DEFENSE
DIRECTORATE OF MILITARY JUSTICE

MEMORANDUM

No. 129/QP/QP/VT

TO: Mobile Military Field Court, III CTZ

Military Court of Saigon

Military Field Court, III CTZ

Military Judicial Police, III CTZ

Saigon Military Prison

SUBJECT: Jurisdiction of the Mobile Military Field Court

REFERENCE: Decree-Law #049/67 dated 30 October 1967

The referenced Decree-Law authorized establishment of a Mobile Military Field Court in the III CTZ, charged with the responsibility of hearing cases involving the national security.

The permanent office of the Mobile Military Field Court is located at the Le Van Duyet Camp, Saigon, APO 3910

The Mobile Military Field Court, III CTZ, has territorial jurisdiction over the III CTZ and the Capital Military District and can try all servicemen or civilian offenders, who have committed an offense against the national security set forth in the laws listed below, within the Capital Military District or the III CTZ, or who were arrested in said areas and put in prison in the CMD or the III CTZ, even though they have committed the particular offense outside the above area. The foregoing applies whether the offense was flagrant delit or

not. The applicable laws are as follows:

- Ordinance #47 dated 21 August 1956
- Law #10/59 dated 6 May 1959 (Arts 1, 2&3)
- Decree-Law #93-SL/CT dated 1 Feb 1964 (Arts 1&2)
- Decree-Law #04/65 dated 19 July 1965 (Arts 14, 15, 16 & 17)
- Penal Code, as amended.

1. Effective the date of this letter, it is requested that the Military Court of Saigon and the Military Field Court, III CTZ, establish a procedure to transfer all political cases to the Mobile Field Court.

a. Where no order has been issued, either for a pre-trial investigation or for trial of the case without such investigation, the file with a routing slip shall be sent to the Mobile Field Court.

b. Where an order has been issued, either for trial of the case without pre-trial investigation or for trial with full procedure, the case shall proceed to judgement.

c. Notwithstanding the foregoing, if a pre-trial investigation by the examining magistrate is underway but has not been completed, the examining magistrate shall issue an order to transfer the case to the Mobile Military Field Court.

2. Military Judicial Police are required to transmit all investigation reports dealing with violations of the national security directly to the Mobile Field Court, at the

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above address and APO.

The accused may be delivered along with the report to the Mobile Military Field Court.

3. The Saigon Military Jail will place all political offenders at the disposal of the Mobile Military Field Court.

APO 4386, 5 March 1968

COPIES TO:

DOD/Office of Director

COLONEL NGUYEN VAN DUC

JGS/J1

Chief of Directorate of Military Justice

For Information

(Signed and Sealed)

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